

INTERNET
FORM NLRB-501
(2-08)UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CHARGE AGAINST EMPLOYER**DO NOT WRITE IN THIS SPACE**

Case

Date Filed

13-CA-217340

March 28, 2018

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer McDonald's/2707 N. Milwaukee and (2) McDonald's USA, LLC, joint employers		b. Tel. No.
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) (1) 2707 N. Milwaukee, Chicago, IL 60647 (2) 2111 McDonald's Drive, Oak Park, IL 60523	e. Employer Representative	g. e-Mail
		h. Number of workers employed (1) Approx. 60; (2) 100,000 +
i. Type of Establishment (factory, mine, wholesaler, etc.) Restaurant	j. Identify principal product or service Fast Food	
k. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Within the last six months, the above-named employers have harassed and implicitly threatened employees, and denigrated their participation in Union and protected concerted activities and in the NLRB process, and have singled them out for such improper and unlawful conduct in retaliation for having engaged in Union and protected concerted activities and in the NLRB process, and in an effort to intimidate them and other employees and to discourage them and other employees from participating in such activities.

3. Full name of party filing charge (if labor organization, give full name, including local name and number)

SEIU National Fast Food Workers Union

4a. Address (Street and number, city, state, and ZIP code) 850 W. Jackson, Suite 275 Chicago, IL 60607	4b. Tel. No. (b) (6), (b) (7)(C)
	4c. Cell No.
	4d. Fax No. (312) 243-4731
	4e. e-Mail
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization) Service Employees International Union	

6. DECLARATION

I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.

By

(signature of representative or person making charge)

Barry M. Bennett, Lawyer

(Print/type name and title or office, if any)

Tel. No.

(312) 372-1361

Office, if any, Cell No.

Fax No. (312) 372-6599

e-Mail

bbennett@laboradvocates.com

Address 8 S. Michigan Avenue, 19th Fl., Chicago, IL 60603

3/28/18
(date)**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

Cases

Case Number	Case Name	Case Actions	Date Filed	Status	IA Category	Charging Party Petitioner	Blocked	Hot Topics	Dispute/Unit City	Dispute/Unit State	Charged Party Employer	No. 8(b)(2) Discriminatees	No. 8(a)(3) Discriminatees	No. of Employees on Petition/Charge	Description	Inquiry Id	Type	Sub Type	Team	Field Agent	Field Supervisor	Barg Status	Closed Reason	Date Closed	New File O	Method of Contact
13-CA-215604	McDonald's	Case Actions	2/27/2018	Open	3	National Fast Food Workers Union	No		Chicago	IL	McDonald's		1	20		(b) (6), (b) (7)(E)	C	CA	MGUERRER	MGUERRER	PPROKOP	None				Filed
13-CA-212908	McDonald's	Case Actions	1/11/2018	Open	2	NFFWU	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None				Filed
13-CA-207536	McDonald's	Case Actions	10/6/2017	Closed	1	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's			20			C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	12/15/2017		Filed
13-CA-206942	McDonald's	Case Actions	9/21/2017	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None	Withdrawal Non-adjusted	12/15/2017		Filed
13-CA-206455	(b) (6), (b) (7)(E)	Case Actions	9/19/2017	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	(b) (6), (b) (7)(E) McDonald's		1	20			C	CA	CBHILL	CBHILL	JMUTH	None	Withdrawal Non-adjusted	11/29/2017		Filed
13-CA-206358	(b) (6), (b) (7)(E) McDonald's	Case Actions	9/18/2017	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	(b) (6), (b) (7)(E) McDonald's		1	20			C	CA	CBHILL	CBHILL	JMUTH	None	Withdrawal Non-adjusted	11/29/2017		Filed
13-CA-206295	McDonald's	Case Actions	9/15/2017	Open	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's		1	20			C	CA	MGUERRER	MGUERRER	PPROKOP	None				Filed
13-CA-180337	Canady Enterprise Corp X d/b/a McDonald's 500 W. Madison St., Chicago, Illinois and McDonald's USA, LLC, joint employers	Case Actions	12/22/2016	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	150,000			C	CA	JPROKOP	JPROKOP	KGIANOPU	None	Withdrawal Adjusted	2/3/2017		Written
13-CA-189171	2827 S. Cicero Avenue McDonald's and McDonald's USA, LLC, joint employers	Case Actions	12/2/2016	Closed	2	Workers Organizing Committee of Chicago	No		Cicero	IL	McDonald's USA, LLC		1	150,000			C	CA	JPROKOP	JPROKOP	KGIANOPU	None	Withdrawal Non-adjusted	12/16/2016		Written
13-CA-188570	500 W. Madison Street McDonald's and McDonald's USA, LLC, joint employers	Case Actions	11/21/2016	Closed	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC			150,000			C	CA	JPROKOP	JPROKOP	KGIANOPU	Organizational Campaign	Withdrawal Non-adjusted	12/12/2016		Written
13-CA-188371	600 E. Grand Avenue McDonald's and McDonald's USA, LLC, joint employers	Case Actions	11/17/2016	Closed	1	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA LLC			100,050			C	CA	JPROKOP	JPROKOP	KGIANOPU	None	Withdrawal Non-adjusted	12/12/2016		Written
13-CA-180446	1951 N. Milwaukee McDonald's and McDonald's USA, LLC, joint employers	Case Actions	10/18/2016	Closed	3	SEIU National Fast Food Workers Union	No		Chicago	IL			1	150,000			C	CA	JGREENHI	JGREENHI	KGIANOPU	None	Withdrawal Non-adjusted	12/16/2016		Written
13-CA-179428	5153 W. Chicago McDonald's and McDonald's USA, LLC, joint employers	Case Actions	7/1/2016	Closed	3	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA LLC		5	50			C	CA	CTERRELL	CTERRELL	KGIANOPU	None	Withdrawal Non-adjusted	11/22/2016		Written
13-CA-177346	Lofton Holdings Seven, Inc. d/b/a 5153 West Chicago McDonald's	Case Actions	5/27/2016	Open	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA LLC		2	140,000			C	CA	CTERRELL	CTERRELL	KGIANOPU	None				Written
13-CA-175385	RMC Enterprises, LLC and McDonald's USA, LLC, joint employers	Case Actions	5/3/2016	Closed	2	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA, LLC, joint employers		1	100,050			C	CA	CORTEGA	CORTEGA	JHOFSTRA	None	Withdrawal Non-adjusted	7/18/2016		Written
13-CA-174626	Loftons Holdings Seven, Inc., d/b/a 5153 West Chicago McDonald's and McDonald's USA, LLC, joint employers	Case Actions	4/21/2016	Closed	3	SEIU National Fast Food Workers Union	No		Chicago	IL	McDonald's USA, LLC		1	100,050			C	CA	TPORTER	TPORTER	RPAZ	None	Withdrawal Adjusted	4/27/2016		Written
13-CA-172699	McDonald's and McDonald's USA, LLC	Case Actions	3/28/2016	Closed	2	Workers Organizing Committee of Chicago	No		Chicago	IL	McDonald's USA, LLC		1	50			C	CA	ECASTILL	ECASTILL	JMUTH	None	Withdrawal Non-adjusted	4/13/2016		Written
13-CA-	Lofton Holdings Four, LLC and	Case				SEIU National					McDonald's USA, LLC,											Withdrawal				

(b) (7)(E)

165285	McDonald's USA, LLC, joint employers	Actions	12/1/2015	Closed	2	Fast Food Workers Union	No	Chicago	IL	joint employers		3	100,040		(b) (6), (b) (7)(C)	CA	HGUTIERR	HGUTIERR	JSCRAND	None	Non-adjusted	12/9/2016	(b) (7)(E)	Written
13-CA-159428	Karavites Restaurant, Inc. d/b/a McDonald's, 5130 N. Sheridan Road Chicago, IL	Case Actions	9/3/2015	Open	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA, LLC		1	145,000			CA	ECASTILL	ECASTILL	JMUTH	None				Written
13-CA-151797	McDonald's Restaurants of Illinois, Inc. and McDonald's USA, LLC, joint employers	Case Actions	5/6/2015	Closed	2	Workers Organizing Committee of Chicago	No	Chicago	IL	McDonalds USA, LLC		1	100,045			CA	AHAMPTON	AHAMPTON	JSCRAND	None	Withdrawal Non-adjusted	12/1/2015		Written
13-CA-150433	Tailormade McD, Inc. d/b/a McDonald's and McDonald's USA, LLC, Joint Employers	Case Actions	4/20/2015	Closed	2	Workers Organizing Committee of Chicago	No	Chicago	IL	Taylormade McD, Inc. d/b/a McDonald's		1	40			CA	MHENSEL	MHENSEL	RPAZ	None	Withdrawal Non-adjusted	7/2/2015	🚩	Written
13-CA-148538	Loftons Holdings Seven, Inc. d/b/a McDonald's and McDonald's USA, LLC, Joint Employers	Case Actions	3/19/2015	Closed	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA, LLC		1	100,050			CA	ECORTEZ	ECORTEZ	RPAZ	Organizational Campaign	Dismissal Non-adjusted	8/26/2015		Written
13-CA-147394	PMA MCD, Inc., d/b/a McDonald's, 5500 W. Cermak Rd., Cicero, IL and McDonald's USA, LLC, Joint Employers	Case Actions	3/2/2015	Open	2	SEIU National Fast Food Workers Union	No	Cicero	IL	McDonald's USA, LLC		1	100,060			CA	ECASTILL	ECASTILL	JMUTH	None				Written
13-CA-147150	McDonald's USA/Joint Employers	Case Actions	2/26/2015	Open	1	SEIU National Fast Food Workers Union	No	Oak Brook	IL	McDonalds USA, LLC			1,000			CA	LFRIEDHE	LFRIEDHE	RPAZ	None				Written
13-CA-145869	6336 S. Ashland McDonald's and McDonald's USA, LLC, joint employers	Case Actions	2/5/2015	Closed	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonald's USA LLC		1	32			CA	EGALLIAN	EGALLIAN	PPROKOP	None	Withdrawal Non-adjusted	2/26/2015		Written
13-CA-145912	Seven MCD, Inc. d/b/a McDonald's and McDonald's USA, LLC, joint employers	Case Actions	2/5/2015	Open	2	SEIU National Fast Food Workers Union	No	Chicago	IL	McDonalds USA, LLC		1	40			CA	ECORTEZ	ECORTEZ	RPAZ	None				Written
13-CA-144963	PMA MCD, Inc., d/b/a McDonald's, 5500 W. Cermak Rd., Cicero, IL	Case Actions	1/23/2015	Open	3	SEIU National Fast Food Workers Union	No	Cicero	IL	PMA MCD, Inc., d/b/a McDonald's, 5500 W. Cermak Rd., Cicero, IL		1	60			CA	CMOLS		JMUTH	None				Written

Case Name: McDonald's 2707 N. Milwaukee and McDonald's LLC, joint employers
Case No.: 13-CA-217340
Agent: [AGENT NAME AND TITLE]

CASEHANDLING LOG

[illegible]



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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March 28, 2018

McDonald's
2707 North Milwaukee
Chicago, IL 60647

McDonald's USA LLC
2111 McDonald's Drive
Oak Brook, IL 60523

Re: McDonald's 2707 N. Milwaukee and
McDonald's LLC, joint employers
Case 13-CA-217340

Dear Sir or Madam:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Christina B. Hill whose telephone number is (312)353-7599 and e-mail address is Christina.Hill@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge April 11, 2018. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Procedures: We strongly urge everyone to submit all documents and other materials by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions

March 28, 2018

about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be "P. Sung Ohr", written over a horizontal line.

Peter Sung Ohr
Regional Director

CH/dg

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME

CASE NUMBER

13-CA-217340

1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)**2. TYPE OF ENTITY**☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)**3. IF A CORPORATION or LLC**A. STATE OF INCORPORATION
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS**5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR****6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).****7. A. PRINCIPAL LOCATION:****B. BRANCH LOCATIONS:****8. NUMBER OF PEOPLE PRESENTLY EMPLOYED**

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates)

YES NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$H. **Gross Revenues** from all sales or performance of services (Check the largest amount)
☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.I. Did you **begin operations within the last 12 months**? If yes, specify date: _____**10 ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?**☐ YES ☐ NO (If yes, name and address of association or group).**11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS**

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

**MCDONALD'S 2707 N. MILWAUKEE AND
MCDONALD'S LLC, JOINT EMPLOYERS**

Charged Party

and

**SEIU NATIONAL FAST FOOD WORKERS
UNION**

Charging Party

Case 13-CA-217340

AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER

I, the undersigned employee of the National Labor Relations Board, state under oath that on March 28, 2018, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

McDonald's
2707 North Milwaukee
Chicago, IL 60647

McDonald's USA LLC
2111 McDonald's Drive
Oak Brook, IL 60523

March 28, 2018

Date

Denise Gatsoudis, Designated Agent of
NLRB

Name

/s/ Denise Gatsoudis

Signature



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



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March 28, 2018

SEIU National Fast Food
Workers Union
850 West Jackson, Suite 275
Chicago, IL 60607

Re: McDonald's 2707 N. Milwaukee and
McDonald's LLC, joint employers
Case 13-CA-217340

Dear Sir or Madam:

The charge that you filed in this case on March 28, 2018 has been docketed as case number 13-CA-217340. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Christina B. Hill whose telephone number is (312)353-7599 and e-mail address is Christina.Hill@nlrb.gov. If this Board agent is not available, you may contact Supervisory Examiner Kate Gianopulos whose telephone number is (312)353-4162.

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Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you

March 28, 2018

fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

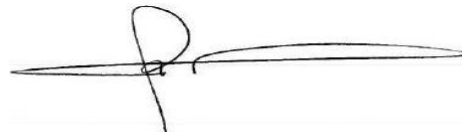
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We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Peter Sung Ohr", with a long horizontal flourish extending to the right.

Peter Sung Ohr
Regional Director

CH/dg
Enclosure: Copy of charge

McDonald's 2707 N. Milwaukee and
McDonald's LLC, joint employers
Case 13-CA-217340

- 3 -

March 28, 2018

cc: Barry M. Bennett, Attorney at Law
Dowd Bloch Bennett Cervone Auerbach
& Yokich
8 S Michigan Ave, 19th Floor
Chicago, IL 60603-3315

From: [Barry Bennett](#)
To: [Hill, Christina](#)
Subject: NFFWU/McD
Date: Monday, April 23, 2018 4:25:12 PM
Attachments: [Letter to Hill 4.23.18.pdf](#)

Hi Christina.

See you on Thursday.

--

BARRY M. BENNETT
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April 23, 2018

WILLIAM M. KINNEY
ELIZABETH L. ROWE

VIA EMAIL

Ms. Christina Hill
Field Attorney
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604

Re: McDonald's/13-CA-217340

Dear Christina:

As you requested, this letter will explain the circumstances leading to the charge in the above matter.

(b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) of the McDonald's location at 2707 N. Milwaukee. (b) (6), (b) (7)(C) became involved in the Fight for \$15 movement soon after it began, including participating in a strike in (b) (6), (b) (7)(C) 2013. See ¶ 49 of Region 13 consolidated complaint. (b) (6), (b) (7)(C) and other employees were subjected to a variety of unlawful threats and acts of interference perpetrated by, among others, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) (b) (6), (b) (7)(C). Id., ¶¶ 45-48, 50. In particular, (b) (6), (b) (7)(C) hours were cut and (b) (6), (b) (7)(C) was issued a written warning in retaliation for having engaged in protected, concerted activities, and in an effort to discourage (b) (6), (b) (7)(C) and other employees from engaging in such activities. Id., ¶ 51.

In connection with the "settlements" the General Counsel is "negotiating" with McDonald's USA and the franchisees named as respondents in the consolidated complaint, the franchisee apparently agree to provide back pay to (b) (6), (b) (7)(C). On or around March 15, (b) (6), (b) (7)(C) at the facility, called (b) (6), (b) (7)(C) and told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had been deposited in (b) (6), (b) (7)(C) account through direct deposit. (b) (6), (b) (7)(C) said the payment should have been by check but "we" made a mistake and did it by direct deposit, that it was (b) (6), (b) (7)(C) money, but that (b) (6), (b) (7)(C) recommended (b) (6), (b) (7)(C) not

DOWD, BLOCH, BENNETT, CERVONE, AUERBACH & YOKICH

Ms. Christina Hill

April 23, 2018

Page 2

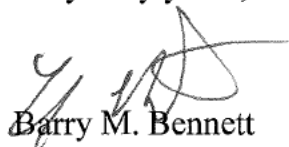
touch it until (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) "go to court." (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) was not aware of any of that, and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that if (b) (6), (b) (7)(C) wanted more information (b) (6), (b) (7)(C) should come into the store the next day and talk to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) would do so, although (b) (6), (b) (7)(C) was not scheduled to work the next day. (b) (6), (b) (7)(C) then checked (b) (6), (b) (7)(C) bank account and found the amount that had been deposited into it was (b) (6), (b) (7)(C) rather than (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) went in to speak to (b) (6), (b) (7)(C) the next day, March 16. When (b) (6), (b) (7)(C) arrived, (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) to come into the office so the three of them could talk. (b) (6), (b) (7)(C) acted (b) (6), (b) (7)(C) because (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C).

With (b) (6), (b) (7)(C) acting (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) was not mad at (b) (6), (b) (7)(C) but (b) (6), (b) (7)(C) has lost a lot of money because of what happened. (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) did not want any problems and that (b) (6), (b) (7)(C) could go to the bank, withdraw the money, and return it to (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) said it was not necessary for (b) (6), (b) (7)(C) to do that and that it was (b) (6), (b) (7)(C) money, but that (b) (6), (b) (7)(C) recommended (b) (6), (b) (7)(C) not touch it in case (b) (6), (b) (7)(C) eventually had to return it. (b) (6), (b) (7)(C) then said (apparently on (b) (6), (b) (7)(C) own, rather than (b) (6), (b) (7)(C) directly for (b) (6), (b) (7)(C) that because (b) (6), (b) (7)(C) had "signed papers with the Union," the Union could do anything "they" wanted even without (b) (6), (b) (7)(C) knowing about it, and that is why the case had gone on for so long. (b) (6), (b) (7)(C) went on to repeat (b) (6), (b) (7)(C) earlier statement that the case had cost (b) (6), (b) (7)(C) a lot of money. (b) (6), (b) (7)(C) told (b) (6), (b) (7)(C) that next time, (b) (6), (b) (7)(C) should think about what (b) (6), (b) (7)(C) signs.

I look forward to presenting (b) (6), (b) (7)(C) on Thursday, and I appreciate your courtesy.

Very truly yours,


Barry M. Bennett

BMB (b) (6)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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Agent's Direct Dial: (312) 353-7599

May 3, 2018

Steve A. Miller
Fisher & Phillips LLP
10 S. Wacker Dr., Suite 3450
Chicago, IL 60606-7592

Re: McDonald's 2707 N. Milwaukee and
McDonald's LLC, joint employers
Case 13-CA-217340

Dear Mr. Miller:

I am writing this letter as a follow-up to our conversation from earlier this week and to advise you that it is now necessary for me to take evidence from your client regarding the allegations raised in the investigation of the above-referenced matter. Set forth below are the allegations and issues on which your evidence is needed, a request to take affidavits, a request for documentary evidence, and the date for providing your evidence.

Allegations: The allegations for which I am seeking your evidence are as follows. On March 16, 2018, the Employer, by its (b) (6), (b) (7)(C), threatened employees in the office of (b) (6), (b) (7)(C) by telling them that the Employer lost a lot of money, and that this is what happens when you sign papers and are no longer with the case—"they" can do whatever they want with an employee's signature. The Union alleges that these statements were retaliatory and coercive in nature because they were made in response to the employees' support for the Union.

Board Affidavits: I am requesting to take affidavits from (b) (6), (b) (7)(C) and any other individual you believe has information relevant to the investigation of this matter. Please be advised that the failure to present representatives who would appear to have information relevant to the investigation of this matter, for the purposes of my taking sworn statements from them, constitutes less than complete cooperation in the investigation of the charge. Please contact me by May 16, 2018, to schedule these affidavits.

Documents: Please provide the following documents, along with any and all other evidence you deem to be relevant to the case:

1. Please discuss (b) (6), (b) (7)(C) relationship with the Employer and whether (b) (6), (b) (7)(C) is an agent or supervisor of the Employer under Section 2(11) or 2(13) of the Act.

2. Please discuss the allegation that (b) (6), (b) (7)(C) statements were coercive and violated Section 8(a)(1) of the Act.
3. Finally, please respond to the allegation that the McDonald's located at 2707 N. Milwaukee Ave. is a joint employer with McDonald's LLC.

Date for Submitting Evidence: To resolve this matter as expeditiously as possible, you must provide your evidence and position in this matter by May 16, 2018. If you are willing to allow me to take affidavits, please contact me by May 16, 2018, to schedule a time to take affidavits. Electronic filing of position statements and documentary evidence through the Agency website is preferred but not required. To file electronically, go to **www.nlr.gov**, select **E-File Documents**, enter the **NLRB case number**, and follow the detailed instructions. If I have not received all your evidence by the due date or spoken with you and agreed to another date, it will be necessary for me to make my recommendations based upon the information available to me at that time.

Please contact me at your earliest convenience by telephone, (312) 353-7599, or e-mail, christina.hill@nlrb.gov, so that we can discuss how you would like to provide evidence and I can answer any questions you have with regard to the issues in this matter.

Very truly yours,

/s/
Christina B. Hill
Field Attorney

From: [Barry Bennett](#)
To: [Hill, Christina](#)
Subject: 13-CA-217340
Date: Thursday, May 31, 2018 1:52:07 PM
Attachments: [Letter to Hill 5.31.18.pdf](#)

Please see attached letter.

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May 31, 2018

WILLIAM M. KINNEY
ELIZABETH L. ROWE

VIA EMAIL

Ms. Christina Hill
Field Attorney
National Labor Relations Board, Region 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604

**Re: McDonald's
13-CA-217340**

Dear Ms. Hill:

In response to your call yesterday afternoon regarding cases supporting our position, I respectfully call your attention to the following:

***Mesker Door*, 357 NLRB 591, 595-96 (2011).** Board applied ALJ decision in *Great Western*, 299 NLRB 1004, 1023 (1990) (reversed in part on other grounds), to hold the employer violated 8(a)(1) and 8(a)(4) “by stating that the multiple charges filed against the Respondent had forced it to incur more than \$200,000.00 in legal fees.”

Great Western, supra, where the ALJ found the employer violated 8(a)(1) and 8(a)(4) by telling employees named in the charge that “the charges were costing him money, that only the lawyers were benefitting, and that neither Union nor he were getting anything from the NLRB proceedings.”

As to the general issue of *implied* threats, please see *Julius Cohn d/b/a Comas Manufacturing Company*, 59 NLRB 208, 1944 NLRB LEXIS 43, ** 21-24 (1944); *Moksnes Manufacturing Company*, 106 NLRB 1230, 1953 NLRB LEXIS 211, ** 3-5 (1953). Also, please note *Adam Wholesalers, Inc.*, 322 NLRB 313, 1996 NLRB LEXIS 690, ** 8-9 (1996), noting that the severity of the misconduct “is further compounded by

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Ms. Christina Hill

May 31, 2018

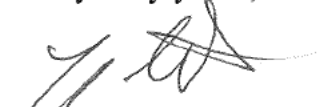
Page 2

the fact that most of the violations were committed by the Respondent's highest ranking official at the Lynchburg facility."

(b) (6), (b) (7)(C) sworn statement was that along with whatever else was said, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) both told (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C) had lost a lot of money as a result of the case. The case, or "all of this," was an effort by (b) (6), (b) (7)(C) to vindicate (b) (6), (b) (7)(C) legal rights because of what the Region's thorough and capable investigation concluded was the employer's unlawful conduct. What exactly was the purpose of the (b) (6), (b) (7)(C) telling (b) (6), (b) (7)(C) that, if not to coerce (b) (6), (b) (7)(C) as to any further exercise of (b) (6), (b) (7)(C) rights to challenge unlawful conduct, which presumably would cost poor (b) (6), (b) (7)(C) even more money?

As I said during our conversation yesterday, the root cause of (b) (6), (b) (7)(C) having been forced to expend (b) (6), (b) (7)(C) precious resources on this matter was the unlawful conduct of (b) (6), (b) (7)(C) business. That conduct, of course, is within (b) (6), (b) (7)(C) control and that of (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) other (b) (6), (b) (7)(C). But what was under (b) (6), (b) (7)(C) control was whether (b) (6), (b) (7)(C) would quietly accept the unlawful conduct directed at (b) (6), (b) (7)(C) or whether (b) (6), (b) (7)(C) would challenge it. Perhaps if (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) had told (b) (6), (b) (7)(C) that breaking the law and being caught at it had cost the store money, that they had learned their lesson, that they appreciated (b) (6), (b) (7)(C) having stood up for (b) (6), (b) (7)(C) rights, and that they were sorry and would never put (b) (6), (b) (7)(C) in that position again, the conversation would have served a legitimate, non-coercive purpose. But of course none of that happened. Instead, they simply let (b) (6), (b) (7)(C) know that all of this had cost them money. I submit that any reasonable person would understand those statements to be an expression of dissatisfaction for (b) (6), (b) (7)(C) conduct in asserting (b) (6), (b) (7)(C) rights and thereby costing them money, and as an effort to dissuade (b) (6), (b) (7)(C) from engaging in such conduct in the future.

Very truly yours,



Barry M. Bennett

BME (b) (6), (b) (7)(C)

From: [Ohr, Peter S.](#)
To: [Gianopulos, Kate](#); [Hill, Christina](#)
Subject: RE: McDonald's Agenda, 13-CA-217340
Date: Thursday, May 31, 2018 5:43:56 PM

Agreed

Peter Sung Ohr, Regional Director

National Labor Relations Board, Chicago

312 353-7574

<https://www.nlrb.gov/region/chicago>

<https://www.facebook.com/NLRBChicago/>

From: Gianopulos, Kate
Sent: Thursday, May 31, 2018 4:14 PM
To: Hill, Christina <Christina.Hill@nlrb.gov>; Ohr, Peter S. <Peter.Ohr@nlrb.gov>
Subject: RE: McDonald's Agenda, 13-CA-217340

I agree.

From: Hill, Christina
Sent: Thursday, May 31, 2018 4:09 PM
To: Ohr, Peter S. <Peter.Ohr@nlrb.gov>; Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>
Subject: McDonald's Agenda, 13-CA-217340

Agenda Minute: McDonald's

Agenda Date: May 31, 2018

Agenda Recommendation: (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

Christina Hill
National Labor Relations Board, Region 13
219 S. Dearborn

Suite 808
Chicago, IL 60604
312.353.7599

From: [Dunham, Geoffrey](#)
To: [Gianopulos, Kate](#)
Subject: RE: McDonald's, 13-CA-217340 - Requesting R2's Quick Review of R13 Determination
Date: Tuesday, June 5, 2018 5:36:15 PM

Kate, thanks for keeping me apprised, but as you suspected my role as national coordinator is quickly coming to a close. We've filed our brief on the settlement with the ALJ and are waiting for a decision. (b) (5). take care and next time you're in NY, stop by for a visit...you're always welcome at R2! Geoff

From: Gianopulos, Kate
Sent: Monday, June 04, 2018 11:39 AM
To: Dunham, Geoffrey <geoffrey.dunham@nlrb.gov>
Subject: McDonald's, 13-CA-217340 - Requesting R2's Quick Review of R13 Determination
Importance: High

Geoff,

Hope that this finds you well. Not sure if R2 is still serving as the coordinating Region for McD's cases

(b) (5)

(b) (5)

Thanks,
Kate

From: Gianopulos, Kate
Sent: Thursday, May 31, 2018 4:14 PM
To: Hill, Christina <Christina.Hill@nlrb.gov>; Ohr, Peter S. <Peter.Ohr@nlrb.gov>
Subject: RE: McDonald's Agenda, 13-CA-217340

I agree.

From: Hill, Christina
Sent: Thursday, May 31, 2018 4:09 PM
To: Ohr, Peter S. <Peter.Ohr@nlrb.gov>; Gianopulos, Kate <Kate.Gianopulos@nlrb.gov>
Subject: McDonald's Agenda, 13-CA-217340

Agenda Minute: McDonald's

Agenda Date: May 31, 2018

Agenda Recommendation: (b) (5), (b) (6), (b) (7)(C)

[REDACTED]

Christina Hill

National Labor Relations Board, Region 13

219 S. Dearborn

Suite 808

Chicago, IL 60604

312.353.7599

From: [Barry Bennett](#)
To: [Hill, Christina](#)
Subject: McD [REDACTED]
Date: Tuesday, June 12, 2018 5:40:24 PM

Christina,

Sorry I missed the phone. We learned at a 9 am status hearing that the judge wanted an evidentiary hearing with witnesses.

We will withdraw the [REDACTED] charge, No. 13-CA-217340

Please let me know if questions or comments, or if you need anything else.

--

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June 13, 2018

Steve A. Miller
Fisher & Phillips LLP
10 South Wacker Drive, Suite 3450
Chicago, IL 60606

McDonald's USA LLC
2111 McDonald's Drive
Oak Brook, IL 60523

Re: McDonald's 2707 N. Milwaukee and
McDonald's LLC, joint employers
Case 13-CA-217340

Dear Mr. Miller:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

/s/ Peter Sung Ohr

Peter Sung Ohr
Regional Director

cc: McDonald's
2707 North Milwaukee
Chicago, IL 60647

Barry M. Bennett, Attorney
Dowd, Bloch, Bennett, Cervone,
Auerbach, & Yokich
8 South Michigan Avenue, Suite 1900
Chicago, IL 60603

SEIU National Fast Food Workers Union
850 West Jackson, Suite 275
Chicago, IL 60607

